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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,497	10/14/2005	Oday Abbosh	TGP/jma/J45343/US (200512)	1487
69638	7590	07/26/2010	EXAMINER	
KAMRATH & ASSOCIATES P.A. 4825 OLSON MEMORIAL HIGHWAY SUITE 245 GOLDEN VALLEY, MN 55422			CHU, KING M	
			ART UNIT	PAPER NUMBER
			3728	
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			07/26/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/553,497	ABBOSH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KING M. CHU	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 May 2010.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3,5,8-10,12-14,23-25,29-32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 3,5,8-10,12-14,23-25,29-32 and 34-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 5, 8-10, 12, 23-25, 29-32, and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franco (2,823,089) in view of Markovics (4,627,640).

#### In reference to Claim 9

Franco discloses a convenience device comprising an elongate web of absorbent material (see Figure 1, (column 1 lines 48-51)) comprising a multiplicity of individual portions (11) integrally connected together in series (see Figure 1) wherein the multiplicity, of individual portions each have a generally circular shape (see column 1, lines 64-68), with the elongate web having an overall width (axis running from top of Figure 1 to the bottom of Figure 1), with each of the multiplicity of individual portions having a length along a longitudinal axis of the elongate web (axis parallel to 14, see Figures 1-2), wherein each of the multiplicity of individual portions has an area that is less than a product of the overall width across the elongate web multiplied by the length along the longitudinal axis of the elongate web (see Figure 1 and 2, where the area of each individual portions 10 is less than a product of the overall width across the web multiplied by the length) and wherein neighbouring individual portions are connected together by a frangible zone of material (11a) whose width across the elongate web is

small relative to the overall width of the elongate web to act as a controlled breaking point for when one of the multiplicity of individual portions is to be separated from the neighbouring individual portions on dispensing (see Figure 3), wherein the multiplicity of individual portions are each folded and while the neighboring individual portions are connected together by the frangible zones of material in series (see Figures 1-3 where 11a connects the neighboring individual portions i.e. 10a to 10b).

Franco discloses the claimed invention as discussed above with the exception of the following claimed limitations that are taught by Markovics: the portions are folded about a plurality of radially extending fold lines (fold lines 38, 39, 40, 42, 43, and 44 are radially extending fold line, see configuration of Figure 7) into a stack with quadrant shape (see Figures 3, 4, and 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Franco in view of Markovics so that the web material of Franco is folded into a stack with quadrant shapes with a plurality of fold lines for the purpose of ease of manufacture and easier to provide a variety of attractive shapes and configurations, as taught by Markovics (column 1, lines 39-43).

In reference to Claim 3

Franco in view of Markovics discloses the claimed invention as discussed above for claim 9 and Franco further discloses that the frangible zone is in the form of a single strip of material in a middle section of the web (see Figure 1, 11a).

In Reference to Claim 5

Franco in view of Markovics discloses the claimed invention as discussed above for claim 9 and Franco further discloses the elongate web is folded at the frangible zones between the neighbouring individual portions (see Figure 1 of Franco).

In Reference to Claim 8

Franco in view of Markovics discloses the claimed invention as discussed above for claim 9 and Franco further discloses the individual portions are folded about a diameter (see Figure 1, via fold line 14) of the generally circular shape to produce the stack.

In reference to Claim 10

Franco in view of Markovics discloses the claimed invention as discussed above for claim 9 and Markovics further discloses that the individual portions are folded about the plurality of radially extending fold lines in a fan-like pattern (Figures 3 and 4 shows that the radially extending fold lines are folded in a fan-like pattern).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Franco in view of Markovics for reasons stated in claim 9.

In Reference to Claim 12

Franco in view of Markovics discloses the claimed invention as discussed above for claim 9 and Franco further discloses a dispenser (20) containing a convenience device as claimed in claim 9.

In reference to Claim 23

Franco in view of Markovics discloses the claimed invention as discussed above for claim 9 and Markovics further discloses that the plurality of radially extending fold

lines includes a first fold line extending across a middle of each individual portion at right angles to the longitudinal axis of the web (fold lines 43 and 44 see Figure 3 and configuration of Figure 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Franco in view of Markovics for reasons stated in claim 9.

In reference to Claim 24

Franco in view of Markovics discloses the claimed invention as discussed above for claim 23 and Markovics further discloses that the plurality of radially extending fold lines includes second (38 and 41) and third fold lines (39 and 40) arranged at an angle of 45° to either side of said first fold line on each individual portions (since 38 and 40 are at 90° to each other and 43 is the central fold line, 38 and 40 is at a 45° angle with 43, respectively), with each individual portion being folded about the second and third fold lines in a same sense, whilst being folded about said first fold line in an opposite sense (see the fold configuration of Figures 3-4 and 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Franco in view of Markovics for reasons stated in claim 23.

In reference to Claim 25

Franco in view of Markovics discloses the claimed invention as discussed above for claim 24 and Markovics further discloses a fourth radially extending fold line (64) aligned with the longitudinal axis of the web, with each individual portion folded in a fan-like pattern (see Figure 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Franco in view of Markovics for reasons stated in claim 24.

In reference to Claim 29

Franco in view of Markovics discloses the claimed invention as discussed above for claim 5 and Markovics further teaches a first fold line (43 and 44, see Figure 6) extending across a middle of each individual portion at right angles to the longitudinal axis of the web (see Figure 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Franco in view of Markovics for reasons stated in claim 5.

In reference to Claim 30

Franco in view of Markovics discloses the claimed invention as discussed above for claim 29 and Markovics further discloses that the plurality of radially extending fold lines includes second (38 and 41) and third fold lines (39 and 40) arranged at an angle of 45° to either side of said first fold line on each individual portions (since 38 and 40 are at 90° to each other and 43 is the central fold line, 38 and 40 is at a 45° angle with 43, respectively), with each individual portion being folded about the second and third fold lines in a same sense, whilst being folded about said first fold line in an opposite sense (see the fold configuration of Figures 3-4 and 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Franco in view of Markovics for reasons stated in claim 29.

In reference to Claim 31

Franco in view of Markovics discloses the claimed invention as discussed above for claim 30 and Markovics further discloses a fourth radially extending fold line (64) aligned with the longitudinal axis of the web, with each individual portion folded in a fan-like pattern (see Figure 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Franco in view of Markovics for reasons stated in claim 30.

In reference to Claim 32

Franco in view of Markovics discloses the claimed invention as discussed above for claim 3 and Markovics further teaches a first fold line (43 and 44, see Figure 6) extending across a middle of each individual portion at right angles to the longitudinal axis of the web (see Figure 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Franco in view of Markovics for reasons stated in claim 3.

In reference to Claim 34

Franco in view of Markovics discloses the claimed invention as discussed above for claim 9 and Franco further teaches that the web of material is formed of paper (column 1 lines 48-51).

In reference to Claim 35

Franco in view of Markovics discloses the claimed invention as discussed above for claim 34 and Franco further teaches that the web of material is formed of paper towels (column 1 lines 48-51).

In reference to Claim 36

Franco in view of Markovics discloses the claimed invention as discussed above for claim 33 and Franco further teaches that the web of material is formed of wipes (column 1 lines 48-51, facial tissues and toilet tissues are considered wipes).

In reference to Claim 37

Franco in view of Markovics discloses the claimed invention as discussed above for claim 33 and Franco further teaches that the web of material is formed of cleaning or hygienic material (column 1 lines 48-51, facial tissues).

3. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franco (2,823,089) in view of Markovics (4,627,640) and further in view of Harsanyi (5,803,249).

In reference to Claim 13

Franco in view of Markovics discloses the claimed invention as discussed in claim 9 with the exception of the following claimed limitations that are taught by Harsanyi: two or more separate compartments each for holding the stack (see abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Franco in view of Markovics and further in view of Harsanyi so that dispensing of wet sterilizing towelettes and dry towelettes can be achieved, as taught by Harsanyi (column 1, lines 14-16).

In reference to Claim 14

Franco in view of Markovics discloses the claimed invention as discussed in claim 9 with the exception of the following claimed limitations that are taught by

Harsanyi: one of the two or more separate compartments holds a dry stack and another of the two or more separate compartments holds a moist or wet stack (see abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Franco in view of Markovics and further in view of Harsanyi for reasons stated in claim 13.

***Response to Arguments***

4. Applicant's arguments filed 05/05/2010 have been fully considered but they are not persuasive. Applicant did not argue the facts and applied prior art, but argued the law. The Examiner has carefully reviewed the arguments and notes the following:

5. In reference to Claim 1 applicant's amendment does not overcome the prior art of record. Applicant believes that Markovics is non-analogous art. In response to applicant's argument that Markovics is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Markovics discloses a plurality of foldable sheets joined together in a strip fashion (col. 1, ll. 8-9) and Franco discloses a combination of a container dispenser and a paper or like product to be dispensed therefrom (col. 1, ll. 15-17).

6. In response to applicant's argument that the Examiner has used Markovics to pick and choose elements from Markovics to the exclusion of the other elements. However, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly

suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KING M. CHU whose telephone number is (571)270-7428. The examiner can normally be reached on Monday - Friday 8AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on (517)272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KING M CHU/  
Examiner, Art Unit 3728

/Ehud Gartenberg/  
Supervisory Patent Examiner, Art Unit 3728